



US Army Corps  
of Engineers

# Construction Bulletin

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Subject: OSHA's New Fall Protection Rule

Applicability: INFORMATION

1. **PURPOSE.** The purpose of this Construction Bulletin is to familiarize Construction Quality Assurance personnel with the Occupational Safety and Health Administration (OSHA) revised Safety Standards for Fall Protection in the Construction Industry. The revised standards were published in the Federal Register, as final rule, Vol. 59, No. 152, August 9, 1994 and became effective February 6, 1995 (except as noted below).
2. **BACKGROUND.** Accidents from falls continue to occur at construction sites and rank as the leading cause of work related injuries and deaths among construction workers. In an effort to improve employee protection in this area, OSHA issued this new fall protection rule. The new standard encompasses all major areas of fall protection and consolidates its requirements in a revised Subpart M of Part 1926, "Safety and Health Regulations for Construction." Subpart M has been retitled, "Fall Protection," from the previous "Floor and Wall Opening". EM 385-1-1 covers most of OSHA's new fall protection requirements, although OSHA has added additional fall protection requirements for activities such as overhand bricklaying and for workers' training and certification.
3. **SUMMARY OF THE NEW RULE.** The provisions of subpart M set forth the requirements and criteria for fall protection in construction work places covered under 29 CFR part 1926 with the exception of fall protection for steel erection of buildings and scaffolds which are still separately covered under subparts R and L, respectively. Aside from subparts R and L, subparts N "Cranes and Derricks", S "Underground Construction, Caissons, Cofferdams, and Compressed Air", V "Power Transmission and Distribution", and X "Stairways and Ladders" still address the subject of fall protection. The provisions of subpart M do not apply when employees are making an inspection, investigation, or assessment of workplace conditions prior to the actual start of construction work or after all construction work has been completed. The new rules:

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a. Prohibit the use of body belts, as part of a personal fall arrest system\* and non-locking snaphooks as of Jan. 1, 1998. Note: The use of a body belt in a positioning device system pursuant to section 1926.502, paragraph e is acceptable.

b. Establish a 6-ft threshold for all protection, which can be provided by using a guardrail system, safety net, or a personal fall-arrest system. This conforms with EM 385-1-1 and mainly changes the OSHA's fall protection thresholds for built-up roofing from 16 feet to 6 feet and for runways from 4 feet to 6 feet.

c. Require a fall protection plan for applications where conventional fall protection is infeasible or creates a greater hazard. In such a case, the employer is required to demonstrate that the use of the conventional fall protection systems is infeasible or constitutes a greater hazard. OSHA provides specific guidance in this area under section 1926.502(b)(2).

d. Require each employer to determine that all walking and working surfaces have the structural integrity to support workers safely and to investigate the site and make an assessment of all existing or anticipated fall hazards. This is normally accomplished on USACE projects through activity hazard analyses.

e. Establish training and certification requirements. The new OSHA standard requires employers to train each employee who might be exposed to fall hazards and certify that the training has been performed. The program shall instruct employees on how to recognize the hazards of falling and train them in procedures designed to minimize the hazards. Employers now have to verify compliance with the standard's training regulations by preparing a written certification record. This record will identify each worker/employee who was trained, dates of training, and the signature of the person who conducted the training or the signature of the employer. If the employer relies on training conducted by another employer or completed prior to the effective date of the OSHA's new rules, the certification record shall indicate the date the employer determined the prior training was adequate rather than the date of actual training.

\* This is a new term used by OSHA in the revised standard and replaces the term "body belt/harness systems" and means a system used to arrest an employee in a fall from a working level.

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4. IMPLEMENTATION.

a. Construction Quality Assurance personnel must be familiar with OSHA's new regulations on fall protection and comply with its requirements. QA personnel should also refer to sections 21 and 22 of EM 385-1-1.

b. The Associated General Contractors (AGC) of America has developed a 20 minute videotape which provides authoritative information on fall protection in the construction industry, including OSHA's Fall Protection Standard, Subpart M. The videotape is an excellent tool to familiarize construction QA personnel with the new regulations and the different types of fall protection systems. Viewing the videotape is highly recommended and would be considered a major part of the required training. The videotape (AGC publication #179) along with the AGC Guide for Fall Protection Training can be obtained by purchase order for \$95.00 addressed to:

AGC of America  
Publication Department  
1957 E street NW  
Washington DC, 20006

c. Chiefs of Construction should coordinate all the necessary training and certification for QA construction personnel who might be exposed to fall hazards with their local safety offices.

5. This Construction Bulletin was coordinated with the following HQUSACE's organizations: Safety and Occupational Health Office (CESO-ZA); Operations, Construction and Readiness Division (CECW-O); and Office of the Chief Counsel (CECC-C).



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